HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No.27401 OF 2005

Between:

T. Seetapathi, S/o. T. Adiseshaiah,

aged about 48 years, R/o.H.No.1-36-11,

2nd Lane, Maruthinagar, Guntur.

.. Petitioner

AND

The District Judge, Guntur & another

.. Respondents

::ORDER::

Counsel for the Petitioner :Mr. P.B. Vijaya Kumar

Counsel for the Respondents :Smt. M. Bhaskar Lakshmi
S.C. for A.P. High Court

4th January, 2006

Per G.S. Singhvi, CJ

In this petition, the petitioner, who is serving as a Typist/Accounts Clerk in the Court of Principal Senior Civil Judge, Guntur, and is facing 15 departmental enquiries on different allegations, some of which are extremely serious, has prayed for issuance of a mandamus to the respondents to increase subsistence allowance payable to him and also to fix his pay in the revised scale.

After issuance of notice by this Court, District Judge, Guntur has passed orders dated 31-12-2005 revising the subsistence allowance payable to the petitioner. He has also taken steps to refix the petitioner's pay in the revised scale.

Learned counsel for the petitioner says that in view of the above developments, the writ petition may be disposed of as infructuous.

The request of the learned counsel is accepted and the writ petition is disposed of as infructuous. However, we deem it proper to make it clear that if the petitioner does not cooperate in the finalization of enquiry and seeks adjournment either himself or through Advocate on three consecutive dates, then the enquiry officer shall be free to proceed against him ex parte and the competent authority shall also be free to reduce the subsistence allowance payable to him on the premise that the delay in completion of the enquiries is attributable to him.

G.S. SINGHVI, C.J.

Date:04-01-2006

G. BHAVANI PRASAD, J

PV